

## **REMARKS**

The flow cell element disclosed by Kösslinger et al is essentially different from the one of the present invention. The idea of the present invention is to provide an elastic abutting surface that can be brought into contact with the surface of the piezoelectric quartz crystal, so as to form a flow cell. The recesses formed in the area of the fluid channel openings which are surrounded by seal rings 27 cannot be compared to the recess of the flow cell according to the present invention, since these recesses cannot include inlet and outlet fluid channels arranged to lead a fluid sample through the recess. Moreover, the seal rings 27 are arranged in the recess 24 in Kösslinger in such a way that they cannot abut the surface of the piezoelectric quartz crystal, i.e. they are not capable of forming a seal with a piezoelectric quartz crystal so as to form a flow cell. Thus, Kösslinger et al does not disclose a flow cell having a recess surrounded by an abutting surface is made of an elastic material, which is adapted to come into direct abutment with the surface of the piezoelectric quartz crystal so as to form a flow cell.

One of ordinary skill would not have any incitement to arrange an abutting surface made of an elastic material around the recess 24, and even if he did, he would not come to a solution in which the abutment surface would come into direct contact with the surface of the piezoelectric quartz crystal.

Tom relates to sensing of gas samples. The flow cell element of Tom does not include a surface that is adapted to come into direct abutment with the surface of the piezoelectric quartz crystal. Further, no such surface can be arranged in the device disclosed by Tom, since the operation of the sensing in Tom relies on the insertion of the piezoelectric quartz crystal 154 into the recess of the component 160. A piezoelectric quartz crystal is very sensitive and cannot be forced against the inner walls of the recess 162. No surface of the component 160 can allowed to come into physical contact with the piezoelectric quartz crystal, because the crystal could then be destroyed. In sensing of a gas sample by means of an arrangement of the type disclosed in Tom, there is no need for a flow cell that is sealed against the surface of the piezoelectric quartz crystal. There would thus be no incitement to find a way to obtain such a flow cell. Kösslinger does not teach the forming of a flow cell by bringing an elastic abutting surface into abutment with a piezoelectric quartz crystal. Consequently, even if one of ordinary skill tried to combine the teachings of Tom and Kösslinger, he would not arrive at the sensor arrangement or the flow cell of the present invention.

Ganter is cited against claims 33 and 34 in combination with Kösslinger et.al. However, Ganter relates to a wristwatch and does not include any teaching regarding what Shore hardness is suitable for sealing against a piezoelectric quartz crystal. Ganter is therefore not relevant for assessing patentability of claims 33 and 34. Sheffler relates to a container for cosmetics and would not be considered by one of ordinary skill, seeking a suitable material for sealing against a piezoelectric quartz crystal.

In the event there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

No additional fees are believed to be due at this time however if necessary to effect a timely response the Commissioner is authorised to deduct the necessary fees from Deposit account No. 501249.

Respectfully submitted,

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